

1/23/03  
PA  
#2

Application for United States Patent

## Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## DYNAMIC RESOURCE ALLOCATION USING PROJECTED FUTURE BENEFITS

(check ☐ is attached hereto  
one)

☒ was filed on 12/04/2001 as  
Application Serial No. 10/000,149  
and was amended on \_\_\_\_\_ (if applicable)

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).\*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

None (Number)	(Country)	(Day/Month/Year Filed)	yes	no

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status: patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint Manny W. Schecter, Reg. No. 31,722, Richard M. Ludwin, Reg. No. 33,010, Louis P. Herzberg, Reg. No. 41,500, Stephen C. Kaufman, Reg. No. 29,551, Louis J. Percello, Reg. No. 33,206, Robert M. Trepp, Reg. No. 25,933, Gail H. Zarick, Reg. No. 43,303, Daniel P. Morris, Reg. No. 32,053, Paul J. Otterstedt, Reg. No. 37,411, Derek S. Jennings, Reg. No. 41,473, Timothy M. Farrell, Reg. No. 37,321, Douglas W. Cameron, Reg. No. 31,596, Kevin M. Jordan, Reg. No. 40,277, Michael E. Whitham, Reg. No. 32,635, Marshall M. Curtis, Reg. No. 33,138, Clyde R. Christofferson, Reg. No. 34,138, C. Lamont Whitham, Reg. No. 22,424, Ruth E. Tyler-Cross, Reg. No. 45,922 and Olga V. Merkoulouva, Reg. No. 48,757 as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, PC, 11491 Sunset Hills Road, Suite 340, Reston, Virginia 20190. Telephone calls should be directed to Whitham, Curtis & Christofferson, PC at (703) 778-9400. Please associate this application with the following customer number:



30743

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor: Tracy J. Kimbrel

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 144 Rita Drive, Cortlandt Manor, New York 10567

Citizenship: US

Post Office Address: Same As Residence

(2) Inventor: Robert Krauthgamer

Signature: RP \_\_\_\_\_ Date: 12-5-02

Residence: 29 Szold Street, Ramat Hasharon, 47225, Israel

Citizenship: Israel

Post Office Address: Same As Residence

(3) Inventor: Baruch M. Schieber

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 25 Wilmont Ave., White Plains, New York 10605

Citizenship: US

Post Office Address: Same As Residence

(4) Inventor: Maxim I. Sviridenko

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 3579 Sagamore Ave., Mohegan Lake, New York 10549

Citizenship: Russia

Post Office Address: Same As Residence

(5) Inventor: Jayram S. Thathachar

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 272 Palm Valley Blvd., #205, San Jose, California 95123

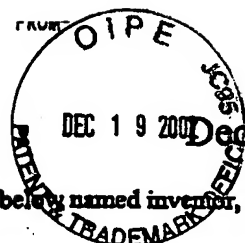
Citizenship: India

Post Office Address: Same As Residence

Title 37, C de f Federal Regulations, §1.56(a):

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.



Application for United States Patent

IBM DOCKET YOR920000831US1

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Citizenship: Russia

Post Office Address: Same As Residence

(5) Inventor: Jayram S. Thathachar

Signature: J.S. Thathachar Date 5 Dec 2002

Residence: 272 Palm Valley Blvd., #205, San Jose, California 95123

Citizenship: India

Post Office Address: Same As Residence

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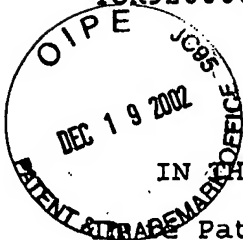
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YOR920000831US1 (00280683AA)

PATENT APPLICATION

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Tracy J. Kimbrel et al.

Serial No.: 10/000,149

Group Art Unit: 2161

Filed: December 4, 2001

Examiner: Not Known

For: DYNAMIC RESOURCE ALLOCATION USING PROJECTED FUTURE  
BENEFITSCommissioner of Patents and Trademarks  
Washington, D.C. 20231CONSENT OF ASSIGNEE FOR  
CORRECTION OF INVENTIVE ENTITY  
UNDER 37 C.F.R. §1.48(a)**RECEIVED**  
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**GROUP 3600**

Sir:

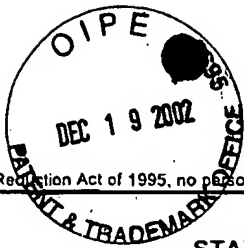
International Business Machines Corporation,  
assignee of the entire interest in the invention  
disclosed and claimed in the above-identified patent  
application, hereby consents to the correction of  
inventive entity as stated in the declaration under 37  
C.F.R. §1.63 by deletion of Maria Minkoff from other  
joint inventors:

Tracy J. Kimbrel,  
Robert Krauthgamer,  
Baruch M. Schieber,  
Maxim I. Sviridenko, and  
Jayram S. Thathachar.

A statement under 37 C.F.R. 3.73(b) is attached.

Date: 12 December 2002Signature: Jeffrey L. Forman

Title: Program Manager, Patent Office Liaison  
for International Business  
Machines Corporation

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Tracy J. Kimbrel et al.Application No./Patent No.: 10/000,149Filed/Issue Date: December 4, 2001Entitled: Dynamic Resource Allocation Using Projected Future BenefitsInternational Business Machines  
Corporationa corporation of New York

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 12355, Frame 0635, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

December 12, 2002

Date

Jeffrey L. Forman

Typed or printed name

Signature

Docket #YOR920000831US11

Program Manager, Patent Office Liaison

Title



## LETTER OF AUTHORITY

I, Gerald Rosenthal, Vice President, Intellectual Property and Licensing of International Business Machines Corporation (IBM), a New York corporation, do hereby delegate the authority to approve and execute documents on behalf of IBM relating to proceedings in the Patent, Trademark Registration or Copyright Offices servicing any country or region of the world, or to related appeal proceedings, including, but not limited to: petitions; powers of Attorney; authorizations; verification; nominations of representatives; declarations; documents relating to maintenance and defense of the resulting industrial property rights; assignments of rights to apply for and acquire patents and trademark registrations; and evidence of such assignments; request for the registration of patents as available for licensing; reports of inventions and petitions for waiver of patent rights to any department or agency of the United States Government; and, assignments, licenses and other instruments confirmatory of Government rights in patents and inventions, to Jeffrey L. Forman, Program Manager, Patent Office Liaison.

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**GROUP 3600**

Date:

Aug 4, 2000

Gerald Rosenthal  
Vice President, Intellectual Property & Licensing  
International Business Machines Corporation